

JS 44 (Rev. 12/12)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

JONES, LYNETTE
12 Stone River Road
Laurel Springs, NJ 08021

(b) County of Residence of First Listed Plaintiff Camden
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Thomas J. Duffy, Esquire / Duffy + Partners
1650 Market Street, One Liberty Place, 55th Floor
Philadelphia, PA 19103
(215) 238.8700

DEFENDANTS

ZELTSE, ILIA S., M.D. and
ACADEMIC UROLOGY, LLC and
THE BRYN MAWR UROLOGY GROUP
919 Conestoga Road, Building One, Suite 300, Rosemont, PA 19010

County of Residence of First Listed Defendant Montgomery
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---------------------------------------|---------------------------------------|---|----------------------------|---------------------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

| CONTRACT | TORTS | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES | |
|---|---|--|---|---|--|
| <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise | PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input checked="" type="checkbox"/> 362 Personal Injury - Medical Malpractice | <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions | <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes |
| REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property | CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities Employment <input type="checkbox"/> 446 Amer. w/Disabilities Other <input type="checkbox"/> 448 Education | PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement | | | |

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. Sec. 1332

Brief description of cause:
Medical Malpractice

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE N/A

DOCKET NUMBER N/A

DATE
02.03.14

SIGNATURE OF ATTORNEY OF RECORD

Thomas J. Duffy

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 12 Stone River Road, Laurel Springs, NJ 08021

Address of Defendant: 919 Conestoga Rd., Bldg. #1, Ste. 300, Rosemont, PA 19010

Place of Accident, Incident or Transaction: _____
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities? Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: N/A Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases
(Please specify) _____

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☒ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases
(Please specify) Medical Malpractice

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Thomas J. Duffy, counsel of record do hereby certify:

☒ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

☐ Relief other than monetary damages is sought.

DATE: 2-3-14

Attorney-at-Law

34729

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: _____

Attorney-at-Law

Attorney I.D.#

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

LYNETTE JONES

CIVIL ACTION

ILIA S. ZEITSER, M.D., et al.

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

2-3-14

Date

Thomas J. Duffy
Attorney-at-law

Plaintiff
Attorney for

(215) 238-8700

(215) 238-8710

tjd@duffyfirm.com

Telephone

FAX Number

E-Mail Address

4. Defendant, The Bryn Mawr Urology Group, is an unincorporated division of defendant, Academic Urology, LLC, formed pursuant to the laws of the Commonwealth of Pennsylvania, with its principal place of business in Pennsylvania.

5. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §1332. There is complete diversity of citizenship and the amount in controversy exceeds One Hundred Thousand (\$100,000) Dollars.

6. At all times relevant to this Complaint, Defendant Zeltser was the agent, servant, and/or employee of Defendant, Academic Urology, LLC.

7. At all times relevant to this Complaint, Defendant Zeltser was the agent, servant, and/or employee of Defendant, The Bryn Mawr Urology Group.

8. On April 25, 2011, Plaintiff Jones, sought treatment from Defendant Zeltser for a mass on the upper pole of her left kidney.

9. As a result of the consultation on April 25, 2011, at the recommendation of Defendant Zeltser, Plaintiff Jones underwent laparoscopic surgery performed by Defendant Zeltser on May 26, 2011.

10. After Defendant Zeltser performed laparoscopic surgery on Plaintiff Jones, there was a follow-up consult on June 10, 2011.

11. During the follow-up visit of June 10, 2011, Defendant Zeltser advised Plaintiff Jones that the pathology report for her surgery was benign and that she should return for follow-up in six (6) months.

12. On December 12, 2011, Plaintiff Jones returned for follow-up care with Defendant Zeltser. During the visit of December 12, 2011, Plaintiff Jones was advised by Defendant Zeltser that an ultrasound that had been performed two (2) days earlier was negative, and that Plaintiff Jones had no residual sequelae and her condition was benign.

13. On February 17, 2012, Plaintiff Jones began experiencing abdominal pain.

14. Plaintiff Jones went to The Hospital of the University of Virginia where she was enrolled as a student.

15. Testing revealed that Plaintiff Jones had a large abdominal mass.

16. On February 17, 2012, Plaintiff Jones underwent surgery at The University of Virginia Hospital, at which time it was discovered that she had a large malignant tumor.

17. Prior to February 17, 2012, Plaintiff Jones had no means to know or discover that she had a large metastatic mass in her abdomen.

COUNT I
Lynette Jones v. Ilia S. Zeltser, M.D.

18. Plaintiff Jones incorporates by reference all preceding paragraphs as if set forth herein at length.

19. Defendant Zeltser deviated from the standard of care and was negligent in rendering treatment to Plaintiff Jones by failing to properly perform surgery and conduct follow-up care for Plaintiff Jones.

20. Defendant Zeltser deviated from the standard of care and was negligent in failing to properly advise Plaintiff Jones of the true nature of her condition following the surgery that he performed.

21. Defendant Zeltser was negligent in providing medical care to Plaintiff Jones for the abdominal mass.

22. As a direct result of the deviation of the standard of care and/or negligence by Defendant Zeltser, cancer in Plaintiff Jones was allowed to grow and metastasize.

23. As a direct result of the deviation of the standard of care and/or negligence by Defendant Zeltser, the risk of Plaintiff Jones developing cancer and/or having the cancer grow and/or metastasize and/or spread increased significantly.

24. As a direct result of the deviation of the standard of care by Defendant Zeltser, Plaintiff Jones has sustained serious injuries including an increased risk of cancer and an actual occurrence and growth of cancerous tumors, which have resulted in her need for extensive medical care and incurring extensive medical costs. This has also resulted in her reduced life expectancy, the need for future medical care and costs, and a reduced ability to work and a decreased earning capacity.

WHEREFORE, Plaintiff, Lynette Jones, requests this Court enter judgment in her favor and against Defendant, Ilia S. Zeltser, M.D., together with costs and damages for delay.

COUNT II
Lynette Jones v. Academic Urology, LLC

25. Plaintiff Jones incorporates by reference all preceding paragraphs as if set forth herein at length.

26. Defendant Zeltser was the agent, servant and employee of Defendant, Academic Urology, LLC.

27. Defendant, Academic Urology, LLC, is liable for injuries and damages sustained by Plaintiff Jones.

WHEREFORE, Lynette Jones, requests this Court enter judgment in her favor and against Defendant, Academic Urology, LLC, together with costs and damages for delay.

COUNT III
Lynette Jones v. The Bryn Mawr Urology Group

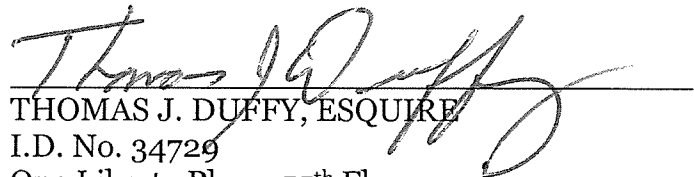
28. Plaintiff Jones incorporates by reference all preceding paragraphs as though fully set forth herein at length.

29. Defendant Zeltser was the agent, servant and employee of Defendant, The Bryn Mawr Urology Group.

30. Defendant, The Bryn Mawr Urology Group, is liable for injuries and damages sustained by Plaintiff Jones.

WHEREFORE, Lynette Jones, requests this Court enter judgment in her favor and against Defendant, The Bryn Mawr Urology Group, together with costs and damages for delay.

DUFFY + PARTNERS


THOMAS J. DUFFY, ESQUIRE
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Dated: 2/3/14